

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARLENE R.M. CHASE, : NOT FOR PUBLICATION
: ORDER
Plaintiff, :
-against- : 04-CV-1739 (CBA)
:
COMMISSIONER OF SOCIAL SECURITY, :
:
Defendant. :
:
-----x
AMON, United States District Judge:

Pro se plaintiff Arlene R.M. Chase brought this action against the Commissioner of Social Security on April 27, 2004. The defendant timely served Chase with a motion for judgment on the pleadings on December 10, 2004. Chase did not reply to that motion. Instead, in a letter to the Court dated December 13, 2004, Chase requested a hearing on her case and indicated that she was facing new medical issues and wished to reapply for Social Security benefits on that basis. Chase further stated that she wished to be notified of a decision and a date on which she could appear in court to argue her case.

The Court scheduled a status conference for June 6, 2005 in order to ascertain whether Chase wished to proceed with the pending case or to terminate that action and submit a new application for benefits based on her changed medical condition. A scheduling notice dated May 19, 2005 was sent by mail to Chase's address of record, 868 DeKalb Avenue, Apt. 2F, Brooklyn,

NY 11221. Chase failed to appear for the conference and did not contact the Court with any reason for her absence. The Court was unable to contact Chase by telephone, as she does not have a telephone number of record. At the Court's direction, counsel for the defendant contacted the Social Security Administration to inquire whether Chase had filed a change of address. As of June 8, 2005, she had not. The Court notes in this regard that the scheduling notice mailed to Chase on May 19, 2005 was not returned as undeliverable. Accordingly, the Court has no reason to conclude that Chase did not receive notice of the June 6, 2005 conference.

On June 9, 2005, the Court issued a scheduling Order advising the parties that the status conference was rescheduled for July 7, 2005. Chase was advised in the Order that failure to appear at the conference would cause the Court to assume that she intends to abandon this case and to proceed with a new application for Social Security benefits. Once again, Chase failed to appear for the conference or to contact the Court with any explanation for her absence. The scheduling Order dated June 9, 2005 also was not returned as undeliverable. Accordingly, the Court must conclude that Chase intends to abandon this case. The case is therefore dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Fed R. Civ. P. 41(b). The Clerk of the Court is directed to enter judgment

in accordance with this Order and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
 July 11, 2005

Carol Bagley Amon
United States District Judge